

Notice of Allowability

Application No.

09/965,598

Examiner

Eric Hug

Applicant(s)

JOYCE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on November 3, 2003.
2. ☒ The allowed claim(s) is/are 1-34,36,38 and 40.
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Cancel claims 35, 37 and 39.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald Santucci on January 7, 2004.

The CLAIMS have been amended as follows:

36. (Currently Amended) An industrial process fabric in the form of an endless loop which functions in the manner of a conveyor in making product from which fluid is being extracted whilst being carried on the fabric, comprising:

a first substrate having a top surface and a bottom surface and a nominal thickness along a plane, said product being carried on the top surface;

a first pattern embossed upon the bottom surface of the first substrate, said first pattern creating voids for receiving fluid which passes through the fabric;

a second substrate having a top surface and a bottom surface and a nominal thickness along a plane; and

a second pattern embossed upon the second substrate, said second pattern creating voids for receiving fluid which passes through the fabric,

wherein said bottom surface of the first substrate and the top surface of the second

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substrate being in an adjoining relationship and said first and second substrates being polymeric and joined together, and

wherein the fabric comprises low melt fiber which is treated to reinforce and maintain at least one of the patterns.

40. (Currently Amended) An industrial process fabric in the form of an endless loop which functions in the manner of a conveyor in making product from which fluid is being extracted whilst being carried on the fabric, comprising:

a first substrate having a top surface and a bottom surface and a nominal thickness along a plane, said product being carried on the top surface;

a first pattern embossed upon the bottom surface of the first substrate, said first pattern creating voids for receiving fluid which passes through the fabric;

a second substrate having a top surface and a bottom surface and a nominal thickness along a plane;

a second pattern embossed upon the second substrate, said second pattern creating voids for receiving fluid which passes through the fabric,

wherein said bottom surface of the first substrate and the top surface of the second substrate being in an adjoining relationship and said first and second substrates being woven and joined together; and

a spray adhesive component of the fabric which is treated to reinforce and maintain at least one of the patterns.

Allowable Subject Matter

Claims 1-34, 36, 38, and 40 are allowed.

The claims are allowed, because the prior art does not disclose or suggest an industrial process fabric for carrying product from which water is extracted, whereby the fabric has at least a substrate that carries product on its top surface and that has a pattern embossed on its bottom surface for receiving and passing water there through.

Response to Arguments

Cancellation of claims 35, 37, and 39 render moot the objection of these claims set forth previously as being substantial duplicates of claims 24, 26, and 28, respectively.

Applicant's amendment to claim 2 has overcome the rejection of claims 2, 3, 8, and 10 under 35 U.S.C. 112, second paragraph set forth previously. Accordingly, this rejection has been withdrawn.

Applicant's amendment to claim 4 has overcome the rejection of claims 4 and 6 under 35 U.S.C. 112, second paragraph set forth previously. Accordingly, this rejection has been withdrawn.

Cancellation of claims 35, 37, and 39 and amendments to claims 36, 38, and 40 have overcome the rejection of claims 35-40 under 35 U.S.C. 112, second paragraph set forth previously. Accordingly, this rejection has been withdrawn.

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Applicant's arguments have overcome all rejections of claims based on the applied references as described below:

Stech (US 4,842,905) –Applicant's arguments that the water-receiving channels in Figure 14 of Stech are not formed by embossing are persuasive, as these are formed by molding during manufacture of the tessellated elements. Furthermore, the suggestion by Stech for embossing the papermaking fabric corresponds to the formation of surface features, not for forming water-receiving voids on the bottom surface.

Johnson (US 6,140,260) - The flow control layer is embossed throughout, not on a single side of a substrate. Also at the embossed areas, individual filaments are bonded together rendering those areas less porous. Thus, the embossments do not allow water to pass there through, but rather restrict the flow of water.

Lefkowitz (US 4,740,409) – The voids are produced in the bottom resin layer by extrusion molding of the resin layer while in a melted state, not by embossing a substrate.

Beaumont (US 3,399,111) - The embossments described by Beaumont do not correspond to the water-flow channels of the supplemental layer (which are formed by perforating the supplemental layer, not by embossing one side of this layer), but instead correspond to projections formed on the paper-contacting surface for facilitating the flow of water towards the channels.

Bothelo (US 6,554,963) - Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Bothelo at the time this invention was made. Accordingly, Bothelo is disqualified as prior art through 35 U.S.C. 102(e) in any rejection under 35 U.S.C. 103(a) in this application.

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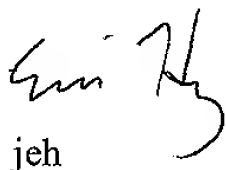
Drawings

The replacement drawing was received on November 3, 2003. This drawing is acceptable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.


jeh



PETER CHIN
PRIMARY EXAMINER